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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ameae M. Walker

Serial No.: 09/065,330

Filed: April 23, 1998

For: PROLACTIN ANTAGONISTS AND  
USES THEREOF



San Francisco, California

Assistant Commissioner of Patents  
Washington, D.C. 20231

POWER OF ATTORNEY BY ASSIGNEE AND  
EXCLUSION OF INVENTOR UNDER 37 C.F.R. 3.71

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints the following as its attorneys to prosecute this application, to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. 3.71:

Gerald P. Parsons  
Martin F. Majestic

Registration No. 24,486  
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Serial No.: 09/065,330

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Registration No. 28,758  
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Registration No. 29,093  
Registration No. 32,892  
Registration No. 37,119  
Registration No. P42,245

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording.

Please direct all telephone calls and all correspondence relative to said application to:

J. Suzanne Siebert, Reg. No. 28,758  
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ASSIGNEE:

THE REGENTS OF THE UNIVERSITY  
OF CALIFORNIA

Dated: June 26, 1998

By: Linda S. Stevenson  
Linda S. Stevenson  
Office of Technology Transfer  
1111 Franklin Street, Twelfth Floor  
Oakland, California 94607-5200  
Title: Principal Prosecution Analyst

(Atty. Docket: 2500.097US2)  
(UC Case No.: 96-166-2)

**CERTIFICATE UNDER 37 C.F.R. §3.73(b)**

Applicant: Ameae M. Walker

Serial No.: 09/065,330

Filed: April 23, 1998

For: PROLACTIN ANTAGONISTS AND USES THEREOF



The Regents of the University of California, a university certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

☒ A. An assignment from the inventor of the patent application identified above. A copy of the assignment is attached.

OR

☐ B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignment or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: June 26, 1998

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Linda S. Stevenson

Principal Prosecution Analyst

(Atty. Docket: 2500.097US2)

(UC Case No. 96-166-2)



PATENT APPLICATION DECLARATION

(Attorney's Docket No.: 2500.097US2)

#3

I, Ameae Walker, declare as follows:

1. My residence, post office address and country of citizenship given below are true and correct.
2. I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "PROLACTIN ANTAGONISTS AND USES THEREOF," Serial No. 09/065,330, filed April 23, 1998, and I have reviewed and understand the contents of the specification, including its claims.
3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.
4. This application is a continuation-in-part of copending application Serial Number PCT/US97/01435, WO 97/27865, filed January 30, 1997, which is a continuation-in-part of co-pending U.S. Patent Application Serial No. 08/594,809, filed January 31, 1996. I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, as defined in §1.56, which occurred between the filing date of the prior application and the filing date of this application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

6/11/98

Ameae Walker

Ameae Walker

Residence and Post Office Address: 7217 Lenox Avenue  
Riverside, California 92504  
(Citizenship: United Kingdom)

### **Section 1.56 Duty to Disclose Information Material to Patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Applicant or Patentee: Dr. Ameae M. Walker  
Serial or Patent No.: 09/065,330  
Filed or Issued: April 23, 1998  
For: "Prolactin Antagonists and Uses Thereof"



Docket No. 2500.097US2  
U. C. Case No. 96-166-2

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**[37 CFR § 1.9(f) and § 1.27(d)]--NONPROFIT ORGANIZATION**

#3

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of California  
ADDRESS OF ORGANIZATION: 1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, California 94607-5200

**TYPE OF ORGANIZATION**

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 601(c) (3)]  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 501(c) (3)] IF  
LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES  
OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR § 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled "Prolactin Antagonists and Uses Thereof"  
by inventor(s) Dr. Ameae M. Walker described in

- ☐ the specification filed herewith  
☒ application serial no. 09/065,330, filed April 23, 1998  
☐ Patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention [except for a license to a Federal Agency pursuant to USC § 202 (c) (4)].

If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).  
\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

NAME N/A  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME N/A  
ADDRESS \_\_\_\_\_  
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 USC § 1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: Linda S. Stevenson  
TITLE IN ORGANIZATION: Principal Prosecution Analyst, Office of Technology Transfer  
ADDRESS OF PERSON SIGNING: 1111 Franklin Street, 5<sup>th</sup> Floor  
Oakland, California 94607-5200

SIGNATURE

Linda S. Stevenson

DATE June 26, 1998

BEST AVAILABLE COPY